



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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In re application of
Stephen B. Auger
Serial No.08/865,419
Filed: May 28, 1997
For: MINERAL STAINS FOR WOOD AND OTHER SUBSTRATES

:
:
: DECISION ON
: PETITION

This is a decision from the appellants' PETITION FOR WITHDRAWAL OF ABANDONMENT AND REINSTATEMENT OF APPEAL. The petitioner asserts that the appellants' Appeal Brief filed on October 17, 2001 and Supplemental Appeal Briefs filed on January 22, 2002 and May 7, 2002 comply with 37 CFR 1.192 and that the Supplemental Briefs further complied with the requirements of the two Notice of Non-Compliant Appeal Briefs.

DECISION

A careful review of the application record indicates that the SUPPLEMENTAL APPEAL BRIEF of December 18, 2001 does satisfy all of the requirements set forth in 37 CFR 1.192.

Regarding the requirements set forth in 37 CFR 1.192(c)(3), the appellants' BRIEF does provide a detailed summary of the invention being claimed in SUMMARY OF INVENTION section of the BRIEF. This summary includes reference to the specification by page and line number as required by 37 CFR 1.192(c)(3).

With respect to appellant's arguments that the claims do not stand or fall together, arguments have been presented as to how the claims distinguish over the art of record. Should the examiner not agree with the arguments presented by the appellant, this issue can be addressed in the Examiner's Answer.

Therefore, the petition is **granted**. The abandonment will be withdrawn; the application will be returned to pending status and forwarded to the examiner for preparation of an examiner's answer.

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